

ADEQUATE NOTICE OF THIS MEETING HAS BEEN PROVIDED AS IS REQUIRED BY CHAPTER 231, PUBLIC LAW 1975 AND BY RESOLUTION 2004-7, WITH THE REQUEST OF THE HOME NEWS AND TRIBUNE AND THE SENTINEL NEWSPAPERS TO PUBLISH SAME, AND THIS ANNOUNCEMENT MUST BE ENTERED INTO THE MINUTES OF THIS MEETING.

A meeting of the Planning Board was held on April 17, 2012, commencing at 7:00 PM in the Human Resource Building 55 Reid St., South River, NJ, commencing at 7:00 PM.

Present were: Mr. Anthony, Mr. Beck, Mr. Butewicz, Mr. Clancy, Mr. Davis, Mr. Evanovich Councilwoman Farren, Mr. Frost, Mr. Smith and Ms. Urbanik.

Also present was Mr. Barlow Attorney, and Mr. Bignell the Planner.

Absent was Mr. Eppinger.

The Minutes from March 20, 2012, were approved on a motion by Councilwoman Farren with a second by Ms. Urbanik, all present approved.

RESOLUTION(S)

2012-1 Grego, Arcelina, 33 Whitehead Ave., Block 299, Lot 10 construct a new open porch for smoking area the full reading of the Resolution was waived on a motion by Ms. Urbanik with a second by Councilwoman Farren. The Resolution was moved for approval on a motion by Ms. Urbanik with second by Councilwoman Farren, roll call vote to follow.

**File # 12-1 Arcelina Grego
Block 299, Lot 10, Minor Site Plan Approval and Bulk Variances**

RESOLUTION

BOROUGH OF SOUTH RIVER PLANNING BOARD

Be it resolved by the Borough of South River Planning Board that:

WHEREAS, Arcelina Grego, the Applicant, has applied to the Borough of South River Planning Board for site plan approval and variances for Block 299, Lots 10; and

WHEREAS, the Applicant has complied with the jurisdictional requirements necessary to prosecute the application; and

WHEREAS, after reviewing the application and the representations of the Applicant and its expert at a meeting held on March 20, 2012, the Borough of South River Planning Board has made the following findings:

1. The Applicant is represented by James F. Clarkin III Esq., of the Law Offices of Clarkin & Vignuolo.

2. The property is known as Block 299, Lot 10, on the Borough of South River Tax Map and is located on the east side of Whitehead Avenue, at the corner of Armstrong Avenue and Whitehead Avenue, in the Borough of South River, State of New Jersey;

3. The property is located in the B1 (neighborhood business) zone and the uses are permitted in this zone.

4. The following agencies reviewed the application and commented:

- A.** Bignell Planning Consultants – March 15, 2012 Memorandum;
- B.** CME Associates – March 16, 2012, Memorandum;

5. The following exhibits were introduced into evidence:

- A-1** Certification from the State of New Jersey that the property is registered for three (3) units;
- A-2** Document from the Tax Assessor of the Borough of South River indicating three (3) apartment units on the property;
- A-3** Picture of the property from approximately 100 years ago;
- A-4** Google map image of the site;
- A-5** 1998 Crest Engineering plan with an overlay of the new proposed layout;
- A-6** December 23, 2011, drawing of Joseph Hyland also designated as A-1 sheet 2 of 2;
- A-7** December 23, 2011, site plan sheet 1 of 2 also known as S1.

6. Steven Grego, the son of Arcelina Grego, and on behalf of Arcelina Grego was sworn in on behalf of the Applicant. Mr. Grego testified as to the overall concept for the premises. He testified there is a proposed covered porch addition which is to provide an area for patrons of the tavern who smoke. He testified there will be no tables, chairs or stools in the covered porch area.

7. Mr. Grego, testified that his family has owned the property since approximately 1986 and to his knowledge it has always been a tavern at the location. He testified that his mother, Arcelina Grego is a tenant in one of the three (3) residential units on the property.

8. Mr. Grego, testified that the addition of the covered porch smoking area is to address the problem of noise from smokers standing on the sidewalk for the surrounding neighborhood.

9. Mr. Grego, testified that he has never received any Summons or Complaints from the Fire Department, Fire Marshall or Fire Inspector with regards to any problems on the premises.

10. Joseph M. Hyland, a Professional Architect, whose office is located at 77 Milltown Road, East Brunswick, New Jersey, was sworn in on behalf of the Applicant. His credentials as a Professional Architect were recognized by the Board.

11. Mr. Hyland testified as to the nature of the partially enclosed smoking area. He testified that all appropriate health code standards will be met. He testified there will be no changes to the bar area. He testified that it is the Applicant's intention to use acoustically rated material for the new covered porch addition on the north side of the building fronting on Whitehead Avenue. He testified that the existing porch and steps in the area will be removed and will be replaced with the proposed addition. He testified that the expanded porch will contain a total of 155 sf and will connect to the tavern via an

existing doorway. The expansion will also provide a new concrete stoop and stair leading from the parking lot into the porch area and into the tavern. The porch will be “open” to the (east) parking lot, and will be enclosed with walls and windows on its north and west sides. Mr. Hyland testified that no other changes are proposed for the building or for the site.

12. Mr. Hyland went over the parking configuration and testified that there was no way to add additional parking. He further testified that any change in the striping would cause the loss of a parking space.

13. Mr. Hyland testified that the Applicant is going to replace the chain-link fence with a 6 foot vinyl fence along a portion on the site and would indicate same on revised plans.

14. Mr. Hyland testified that the Applicant will include blinds in the windows to limit the lighting that can escape from the enclosed porch area.

15. Mr. Hyland testified that the Applicant will take all of the necessary steps to insure proper ventilation of the smoking area. Mr. Hyland used various exhibits to go over the plan with the Board. He indicated that the retractable roof will be closed during off hours and that it must remain open when the tavern is open. Mr. Hyland went over that the change required as to the minimum front setback on Armstrong Avenue was necessary in order for the covered porch to address the noise concern.

16. Mr. Hyland testified that the front setback for the Grego property is consistent with many of the structures on properties in the surrounding area which are within the required setbacks.

17. Mr. Hyland testified there is a small sign proposed with six (6) inch lettering. He indicated that the Applicant would agree to reconstruct any sections of existing concrete curb and/or sidewalk that are in disrepair along the municipal roadway frontages of the property. A note stating same shall be provided on the revised plans.

18. Mr. Hyland testified that the bar is rated for a capacity of forty-nine (49) people. He indicated that new handicapped parking signage will be provided.

19. Mr. Hyland testified that there will be an additional dumpster screening/enclosure consistent with the vinyl fence proposed for the property.

20. Mr. Hyland testified as to the proposed shrubs/plantings. He indicated that three (3) ornamental trees were proposed along the back or east edge of the property along with three (3) shade trees on the southern property line and three (3) shade trees on the Armstrong property line with a 2 to 2.5” caliper. Mr. Hyland further testified that they will remove the stake from the root ball hole on the tree planting detail.

21. Members of the public were invited to comment and pose questions and testify. Mr. Damian Link, who resides at 77 Armstrong Avenue, South River, testified that he lived there since 2004 and he believe the proposed smoking porch area would definitely help the situation with regards to noise generated from the tavern. He testified that the Applicant and its Architect had gone over the proposed plans with him and his wife prior to the meeting and he found them to be acceptable.

22. The Board made the following conclusions:

CONCLUSIONS

1. The Board concluded that the application would be beneficial to the site, as well as to the surrounding properties and to the Borough in general.

2. The Applicant demonstrated that the requested approval could be approved without substantial detriment to the intent and purposes of the Zoning Plan, Zoning Ordinance and the public good.

3. The Board concluded that the requested variances, waivers and continuation of existing non-conforming conditions the Applicant sought were appropriate for the site and in determining same the Board accept the testimony of the Applicant's expert as well the recommendations of the Borough's professional staff that same could be granted without substantial detriment to the surrounding properties and Borough.

For other such reasons as stated in the minutes and recorded at the hearing.

NOW, THEREFORE, be it resolved by the Borough of South River Planning Board pursuant to its statutory powers and on March 20, 2012, on a Motion by Ms. Urbanik and seconded by Mr. Farren, that the site plan approval and variances, waivers and existing non-conforming conditions to allow Arcelina Grego to build a smoking area at block 299, Lot 10 is approved subject to the following conditions:

1. The Applicant must document approvals or exemption from the Middlesex County Planning Board and all other agencies having jurisdiction.

2. The Applicant will put in appropriate handicapped parking signage.

3. The Applicant shall provide additional dumpster screening/enclosure consisting with the vinyl fence proposed for the property and details shall be shown on plans.

4. The Applicant shall provide a total of six (6) shade trees, three (3) on the southern property line and three (3) on Armstrong Avenue along with three ornamental trees on the back/easterly property line for the parking lot. The shade trees shall be 2" to 2.5" caliper. The tree planting detail shall be revised to remove the support stake from the root ball hole.

5. The Applicant shall solicit the comments of the South River Police Department and Fire Department relative to police and fire services at this site and shall comply with the recommendations of same.

6. The Applicant shall reconstruct any sections of existing concrete curb and/or sidewalk that are in disrepair along the municipal roadway frontages of the property. A note stating same shall be provided on the plans.

7. Variances are granted for minimum front yard setback with 25'ft being required, and 4'ft currently existing as to Whitehead Avenue and further variances granted for the minimum front setback with 25'ft being required and 2.7'ft being

proposed for the 29' section of the proposed partially enclosed porch abutting Armstrong Avenue as testified to by the Applicant's expert.

8. A variance is granted for minimum require parking with 18' spaces being required, and 17' spaces being provided.

9. Applicant's escrow and application fees shall be submitted, if not previously paid.

The Motion was carried unanimously by a vote of (8) eight to (0) zero.

CERTIFICATION

I hereby certify that the foregoing is a true copy of a resolution adopted by the Planning Board of the Borough of South River at its regular meeting on April 17, 2012.

Board

Borough of South River Planning

M. Anita Hermstedt, Secretary
Borough of South River Planning

Board

This Resolution was voted on as follows:

ROLL CALL

IN FAVOR OF APPROVAL:

Gordon Anthony, Michael Beck, George P. Evanovich, Cynthia Urbanik, Gregory Smith, Donna Farren, Glenn Davis and Joseph Butewicz.

OPPOSED TO APPROVAL:

None.

ABSTAINING:

None.

COMPLETENESS:

None

PUBLIC HEARING (S):

2012-2, 2 Chicks with Chocolate, 268 Main St., Block 169 Lot 1, waiver of Site Plan for parking. Mr. Bignell went over the report from his office stating that there is nothing about a candy seating in our Ordinance. What is stated is Cafes with 8 seats requires one space plus one space for the help. Ms. Wassung stated that they manufacture on Martin Street and they sell the merchandise on Main St. What they are thinking about doing down the road is to serve coffee and soda and having mini table inside the building. They would also like to bring in ice cream for the summer for the children in the area and have parties for both children and adults. Two of their employees walk to work and the hours of operation are 11 to 7 Tuesday through Friday and 11-5 on Saturday s. As of right now they have one employee during the week and if they get

busy they will bring in another. The delivery of the candy is done after hours with small cars. Councilwoman Farren made a motion to have the Reports as a part of the minutes Bignell's report of March 28, 2012 with a second by Mr. Clancy all present approved.

Mr. Clancy questioned how many people would more then likely be at these parties and was told approximately sixteen with the parties lasting about one and a half hours and that the parties would only be on the weekends. Ms. Urbanik questioned with the addition of selling ice cream would it not increase the intensity of the store. Mr. Clancy questioned how busy was it on the weekends for parking. Councilwoman Farren asked about the maximum amount of people that were allowed in the business at one time? All these questions were answered by Ms. Wassung. Mr. Frost asked if there was parking on Main St. and was told yes there is, and Mr. Beck stated the usage if not different form the News Stand that was there. Ms. Wassung stated that this is a walk up kind of business stating that Magnifico's is right by us ant that the ice cream will be seasonal, and that they will only be selling vanilla and chocolate.

Councilwoman Farren spoke about based on the new capacity they would have to comply with a public bathroom, Ms. Wassung stated that what she knew about the bathroom that it would require them to go through Zoning.

Mr. Beck opened this application to the public.

Ms. Jacqueline Doeler of 162 Hillside Ave., was not in favor of the parking situation stating that one of Ms. Wassung's customers parked in front of her house and that there is no parking on that side of the road. She waited until she came back and said something to the person and the person stated that she was not aware that there was no parking on that side.. She feels that corner is too busy to have this type of business. She also spoke that the letter that was sent out did not have the time of the meeting just the date and place and that this was not legal.

Mr. Ronald Oravits, 2 Palm Place also was not in favor of having the table outside, and that the children coming home from school if they frequented the store would have no one to cross them the street, because it might take a while and the crossing guard might be gone by the time they come out of the store.

Hearing no one else form the Public Mr. Beck asked for a motion to close public portion, which was done on a motion by Mr. Clancy with a second by Mr. Frost all present approved.

Mr. Barlow said that unfortunately the letter did not have the time on it , but that all the meetings were advertised in the beginning of the year with the time date and place and that the people have forty five days to file a complaint with the County. Ms. Wassung stated that if she has to wait and notify everyone again that the cost would be a lot and that she would have to think about going somewhere else to open her business.

Ms. Urbanik said that she realizes that there is costs involved and that this is the cost of doing a business, and she really does not want to have any repercussions to the Board. Ms. Urbanik asked Mr. Butewicz if there is any parking on the adjoining Streets and was told there is parking on Allgair and Main.

Mr. Beck said that if the business is going to survive people will find a place to park and walk to the business, we do not want to see it fail.

Mr. Anthony stated that he grew up in New York and if people can't park the business will not make it.

Ms. Urbanik stated that there are two Variances that they have to pass one for the parking and a waiver of the Site Plan.

Mr. Frost does not believe that we should restrict the hours and that he feels that the hours are reasonable.

Mr. Clancy made a motion to approve this Application with the Waiver of Parking and Site Plan, notifying the Public if she goes before the Council for the outside tables with a second by Ms. Urbanik, all present approved.

OPEN TO THE PUBLIC:

Mr. Beck opened the meeting to the public, hearing none a motion by made by Mr. Clancy to close public portion with a second by Councilwoman Farren, all approved.

BILLS:

There were no bills.

COMMENTS:

Ms. Urbanik spoke about the climate in the room, and also discussed the letter that Ms. Wassung sent out to her neighbors.

Mr. Barlow sent from the Board congratulations to Mr. Bletcher on the birth of his son, Benjamin.

Mr. Frost informed the Board about the women who had purchased the property on the Old Bridge Turnpike, that she had two strokes.

Councilwoman Farren was comfortable with the solutions that the Board came to with the new business.

Mr. Beck thanked the Board for handling the parking situation.

The next meeting will be held on May 15, 2012.

2011-1 Jads Construction 40 Jeffire Ave., with be heard at the June 19, 2012 meeting.

ADJOURNMENT:

The meeting was adjourned on a motion by Ms. Urbanik with a second by Mr. Clancy all present approved..

Respectfully submitted,

M. Anita Hermstedt, Secretary